



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 03/01/2007
Comment Deadline: 03/31/2007
Corps ORM ID #: SAW-2007-735-107

The Wilmington District, Corps of Engineers (Corps) has received an application from **MAG II Grimes Farm, LLC** seeking Department of the Army authorization to impact **0.22 acres of palustrine forested wetlands and 2,430 linear feet (0.62 acres) of other waters of the United States** associated with **construction of a retail center in Beaufort County, North Carolina.**

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant:

Mr. William I. Gulliford, III
MAG II Grimes Farm, LLC.
1021 Oak Street
Jacksonville, Florida 32205

AGENT (if applicable):

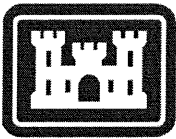
Mr. Daniel Redgate
Kimley-Horn and Associates, Incorporated
501 Independence Parkway, Suite 300
Chesapeake, Virginia 23320

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

Project property is a 33.22 acre tract containing jurisdictional waters and wetlands adjacent to Cherry Run and Jacks Creek, tributaries to the Tar River and Pamlico Sound. The property is located at the southeastern quadrant of the intersection of US 264 Bypass (West Fifteenth Street Extension) and Whispering Pines Road (NCSR 1404) in the City of Washington, Beaufort County, North Carolina (35.5638 -77.0680).



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Existing Site Conditions

The project property is an undeveloped tract located within the city limits of Washington, North Carolina. US 264 bypass, also called West 15th Street Extension, forms the northeastern boundary of the parcel, and Whispering Pines Road (NCSR 1404) forms the northwestern property boundary. The properties to the west and south contain residential housing developments and to the tracts to the east contain an elementary school and a retail shopping center. The property has been in agricultural production since before 1938 and agricultural activities have altered natural conditions on the site. Most of the water courses on the property have been channelized through the existing agricultural fields. There are four areas of wooded wetlands present on the property. Two of the wetland areas are located along the western property boundary, one in the southern portion of the tract and one near the center of the property.

Applicant's Stated Purpose

The stated purpose of the project is to develop a retail center consisting of approximately 150,000 square feet of retail space and parking for 800 vehicles.

Project Description

The applicant proposed to place fill in 2,430 linear feet of other waters of the United States and to fill 0.22 acres of palustrine forested wetlands in order to construct the proposed retail facility. The applicant proposes to make payment to the North Carolina Ecosystem Enhancement Program to compensate for impacts to 0.22 acres of wooded wetlands.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by 03/31/2007

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline

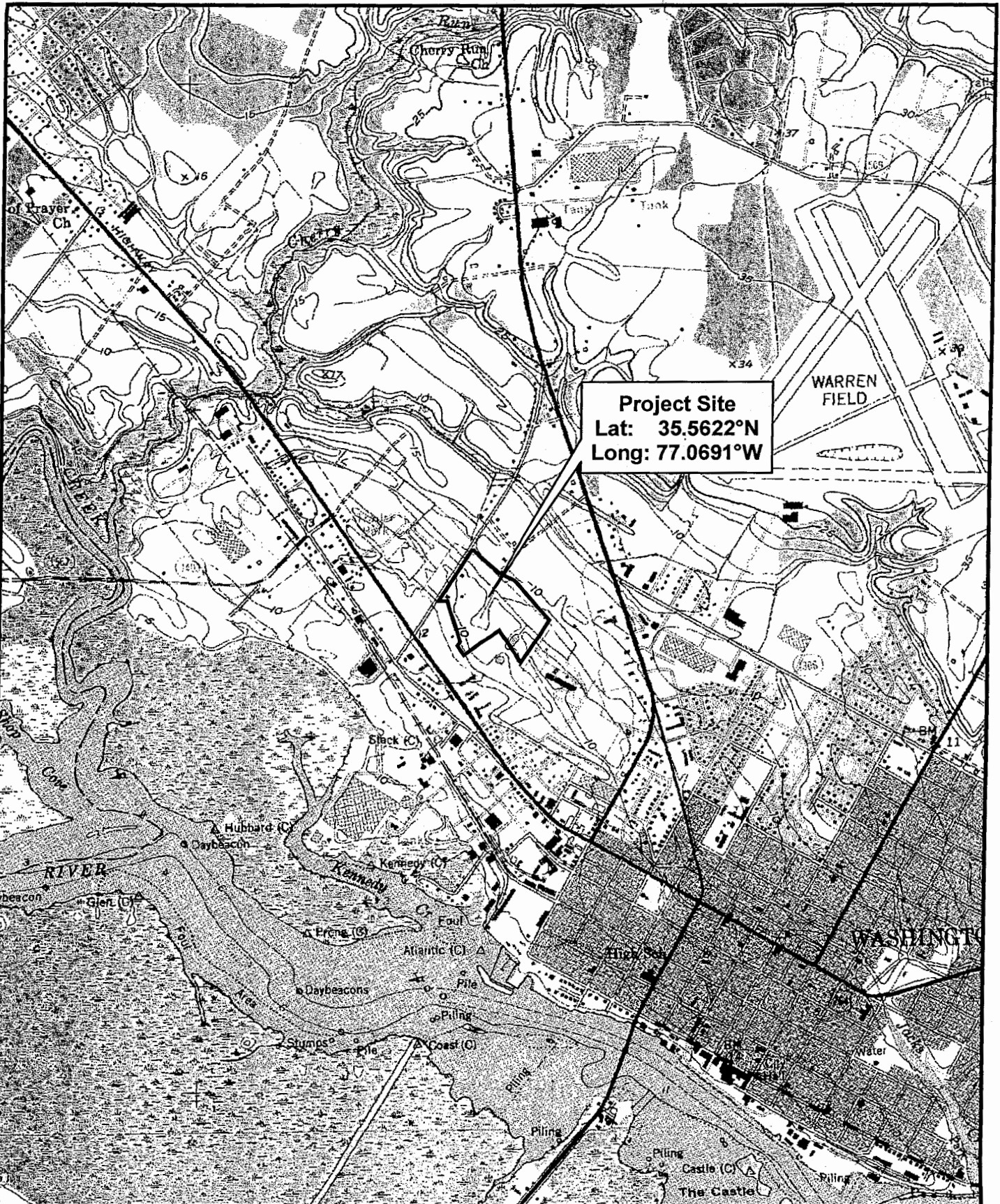
erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, 03/31/2007. Comments should be submitted to Ms. Tracey L. Wheeler, US Army Corps of Engineers, Post Office Box 1000, Washington, North Carolina 27889.



**Kimley-Horn
and Associates, Inc.**

Whispering Pines Road Site

Washington, North Carolina
Beaufort County

Data Sources: Washington, NC 7.5' USGS Quad

Feet
0 1,000 2,000
Scale: 1:24,000



Figure 1
Vicinity Map

